

FILED

STATE OF NORTH CAROLINA

2015 APR 12 PM 4:34

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

COUNTY OF CUMBERLAND

15 CSE 08587

OFFICE OF ADMINISTRATIVE HEARINGS

LEE C. RAINS, III,

Petitioner,

v.

Department of Health and Human Services,
Division of Social Services, Child Support
Enforcement Section,

Respondent.

**SETTLEMENT AGREEMENT &
CONSENT MOTION TO DISMISS**

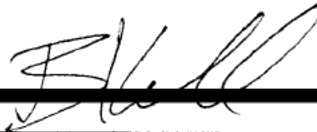
NOW COME Petitioner and Respondent and jointly move the Office of Administrative Hearings pursuant to 26 NCAC 3. 0105(6) to dismiss this case with prejudice. In support of this Motion, the parties show the following:

1. On October 1, 2015, a Notice of Intent to Intercept was issued for Petitioner, indicating that he owed child support arrears and that his state and/or federal income tax refunds were subject to interception to offset those arrears.
2. Petitioner filed this contested case to challenge that Notice.
3. Respondent has intercepted and currently has on hold Petitioner's federal tax refund, in the amount of \$4,218.00.
4. The parties, having had the opportunity to consult with counsel, have agreed to settle this case on the following terms:
 - a. This contested case shall be dismissed with prejudice.
 - b. Upon dismissal of this case, Petitioner's federal refund of \$4,218.00 shall be split evenly between the parties: Respondent shall apply \$2,109.00 to Petitioner's child support arrears and shall release \$2,109.00 to Petitioner.

WHEREFORE, in light of the foregoing agreement, the parties jointly request that this case be dismissed with prejudice.

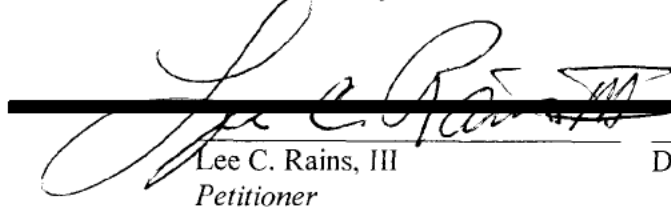
Respectfully submitted this the 18 day of April, 2016.

ROY COOPER
Attorney General



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Counsel for Respondent

Consented to by:



Lee C. Rains, III
Petitioner

4-11-16
Date

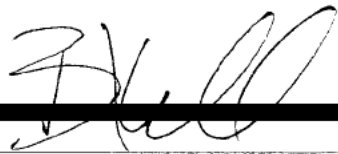
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **SETTLEMENT AGREEMENT AND CONSENT MOTION TO DISMISS** was this day served by depositing a copy of same in the United States Mail, first-class postage prepaid, addressed as follows:

Lee C. Rains, III
722 Cavalla Road
Atlantic Beach, FL 32233
Petitioner

Courtesy copy to:
Gerald S. Bettman, Esq.
5515 Philips Highway
Jacksonville, FL 32207

This the 18 day of April, 2016.



Benjamin J. Kull
Assistant Attorney General